

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AHMED AMARIR,)
Plaintiff(s),) No. C 04-5290 CRB (PR)
v.) ORDER
JAMES C. HILL, et al.,) (Docs # 12, 35, 36 & 41)
Defendant(s).)

Ahmed Amarir, a prisoner at the Correctional Training Facility (“CTF”) in Soledad, California, filed a pro se complaint under 42 U.S.C. § 1983 and 28 U.S.C. § 1337 alleging denial of adequate dental treatment “to correct and alleviate his dental problems concerning grinding, clenching, and a return to a normal bit[e]” since October 17, 2002. Amarir seeks damages and an evaluation and treatment from an outside specialist on the grounds that CTF dentists have made his condition worse by improperly grinding his teeth and injuring his gums.

Per order filed on March 21, 2005, the court found that, when liberally construed, Amarir's allegations state a cognizable claim for injunctive and monetary relief for deliberate indifference under § 1983, and for medical malpractice under California law, against CTF dentist James C. Hill and CTF chief medical officer Michael L. Friedman, and ordered the United States Marshal to serve them.

1 Shortly after defendants filed an answer, Amarir filed a motion for a
2 temporary restraining order (“TRO)/preliminary injunction. For the reasons stated
3 in defendants’ opposition papers, the motion (doc # 12) is DENIED. Although
4 Amarir has made clear his dissatisfaction with the dental treatment he has received
5 at CTF, he has demonstrated neither a combination of probable success on the
6 merits and the possibility of irreparable injury, nor that serious questions are
7 raised and the balance of hardships tips sharply in their favor. See Bernhardt v. Los
8 Angeles County, 339 F.3d 920, 925 (9th Cir. 2003).

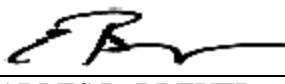
9 Amarir has filed three other motions. Good cause appearing, Amarir’s
10 motion (doc # 35) for leave to file an amended complaint is GRANTED. See Fed.
11 R. Civ. P. 15(a). The clerk is instructed to file the proposed amended complaint
12 submitted by Amarir on October 17, 2005 as the First Amended Complaint
13 (“FAC”) in this matter.

14 Amarir’s motion (doc # 36) for an order compelling further production of
15 documents is DENIED. The court finds that Amarir has not complied with the
16 meet-and-confer requirements of the Federal Rules of Civil Procedure and the
17 Court’s Local Rules because his letter to defendants does not explain why the
18 documents he seeks should be produced.

19 Amarir’s motion (doc # 41) for appointment of counsel is DENIED for lack
20 of exceptional circumstances. See Franklin v. Murphy, 745 F.2d 1221, 1236 (9th
21 Cir. 1984) (decision to request counsel to represent an indigent litigant under §
22 1915 is within “the sound discretion of the trial court and is granted only in
23 exceptional circumstances”).

24 SO ORDERED.

25 DATED: Dec. 01, 2005


CHARLES R. BREYER
United States District Judge